

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ZIHENG XING,

Plaintiff,

v.

USA GOOD TRAVEL AND TOUR INC., *et al.*,

Defendants.

Case No. 2:20-cv-01593-MMD-BNW

ORDER

The Court previously adopted United States Magistrate Judge Brenda N. Weksler's recommendation to direct the Clerk of Court to enter default against Defendant USA Good Travel and Tour Inc. ("Good Travel"). (ECF No. 32.) Before the Court is Plaintiff's motion for entry of default judgment against Good Travel. (ECF No. 38 ("Motion").)

Plaintiff has satisfied the factors for obtaining default judgment articulated in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Moreover, Defendants have not filed an opposition to the Motion, which may be construed as consent to the Court granting the Motion. See LR 7-2(d) (providing that "failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney[s'] fees, constitutes a consent to the granting of the motion"). Accordingly, the Court grants Plaintiff's Motion.

It is therefore ordered that Plaintiff's motion for entry of default (ECF No 38) is granted. Plaintiff is directed to file a proposed order granting the Motion within 14 days from the date of entry of this order.

It is further ordered that Plaintiff file a status report as to the status of his remaining claims against Defendant Kongming Yan and whether Plaintiff plans to continue to prosecute his claims against Yan. If not, Plaintiff is directed to file a motion for voluntary

1 dismissal of claims against Yan. The status report must be filed within 14 days from the
2 date of entry of this order.

3 DATED THIS 21st Day of December 2023.

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6 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE